IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16274 of 2004

Between:

K.Tarakarama S/o.K.Janachari
R/o.Patha Bazar, Nalgonda.

..... PETITIONER

AND

1 The Superintendent of Police Nalgonda District, Nalgonda.
2 Sub Inspector of Police I-Town Police Station, Nalgonda.
3 Smt.Menemma D/o. Not known to the petitioner
Asst.Project Officer, D.R.D.A Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly in the nature of writ of mandamus declaring the action of the respondents herein calling the petitioner to the Police Station for investigation without there being any complaint/Crime pending for investigation as arbitrary illegal capricious and colourable exercise of their power apart from the gross violation of fundamental rights guaranteed under Art 14, and 21 of the constitution of India to the Petitioner herein and consequently direct the respondents herein not to deprive the personal life and liberty of the petitioner except in accordance with the procedure established by law.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY (Not present)

Counsel for the Respondent Nos.1 and 2: GP FOR HOME

Counsel for the Respondent No.3: None appeared

The Court at the stage of admission made the following :

ORDER:

None appears for the petitioner. Heard the learned Government Pleader for Home appearing on behalf of respondent Nos.1 and 2.

This writ petition is filed seeking to declare the action of the respondents in calling the petitioner to police station for investigation without there being any complaint/crime pending against him, as arbitrary and illegal, and consequently to direct the respondents not to deprive the personal life and liberty of the petitioner except in accordance with the procedure established by law.

A counter-affidavit is filed on behalf of respondent Nos.1 and 2 denying the averments made in the affidavit filed in support of the writ petition. It is stated that on a written complaint dated 16-6-2004 submitted by respondent No.3 to respondent No.1 against the petitioner, respondent No.2 called the petitioner, respondent No.3 and their elders and asked them to settle the matter and accordingly the matter was compromised and they submitted a copy of compromise to respondent No.2. It is stated that except for the said incident, the petitioner was never called to the police station at any time and was never harassed as alleged by him. It is stated that no investigation or enquiry is pending against the petitioner, so the question of calling the petitioner to the police station does not arise.

In view of the above averments in the counter-affidavit filed on behalf of respondent Nos.1 and 2, no further orders are required to be passed in this writ petition. Accordingly, the writ petition is closed. No costs.

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N.V. RAMANA, J

Date: 26-4-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Superintendent of Police Nalgonda District, Nalgonda.
2 Sub Inspector of Police I-Town Police Station, Nalgonda.
3 Two Ccs. to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad (OUT).

4 Two CD copies

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